

REMARKS

The following remarks are provided in response to the Final Office Action mailed July 20, 2004, and Advisory Action mailed December 7, 2004 in which the Examiner:

- rejected to claims 21-40 under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 6,639,582 to Shrader in view of U.S. Patent No. 6,525,711 to Shaw et al. (hereinafter Shaw).

The applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections.

37 C.F.R. §1.131 Affidavit

In response to the Final Office Action mailed July 20, 2004, the applicants submitted a §1.131 Affidavit on September 20, 2004 to swear behind Shrader. In his December 7, 2004 Advisory Action, the Examiner noted receipt of but objected to Exhibit A of the Affidavit for failing to include a date. M.P.E.P. §715.07(I) recites in part:

If the dates of the exhibits have been removed or blocked off, the matter of the dates can be taken care of in the body of the oath or declaration.

When alleging that conception or a reduction to practice occurred prior to the effective date of the reference, the dates in the oath or declaration may be the actual dates, or if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date.

(emphasis added)

In Section 3 of the Affidavit, applicant Adam T. Lake declared that “[t]he invention disclosed and claimed in the above-identified patent application was conceived and

actually reduced to practice in the United States prior to August 10, 2000." (emphasis added). Accordingly, the applicants submit that they have properly satisfied the date requirement of M.P.E.P. §715.07(I) and request that the Examiner accept the §1.131 Affidavit submitted September 20, 2004.

35 U.S.C. §103(a)

The Examiner rejected claims 21-40 under §103(a) as being unpatentable over Shrader in view of Shaw. The applicants submit that they have properly sworn behind the primary §103(a) reference Shrader and that the claim amendments included herein render the secondary §103(a) reference Shaw moot. Claims 31-40 are herein canceled. Accordingly, the applicants affirm that claims 21-30 are patentable. The applicants further assert that new claims 41-43 are patentable.

CONCLUSION

For at least the foregoing reasons, the applicants submits that they have overcome the Examiner's rejections and that they have the right to claim the invention as set forth in the listed claims. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY SOKOLOFF TAYLOR & ZAFMAN, L.L.P.

12/14/04
Dated



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